



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

April 7, 1999

Mr. John A. McCray
32470 Cobblestone
Idaho Falls, ID 83404

COPY

Re: Water Distribution on Alder Creek in Water District No. 34

Dear Mr. McCray:

In response to your letters dated October 26 and December 3, 1998, I assigned Mr. Norm Young of my staff to investigate water distribution from Alder Creek in Water District No. 34 under the control of Mr. Doug Rosenkrance. With the participation of Ms. Harriet Hensley, Deputy Attorney General, Mr. Young has completed his investigation and submitted a report to me, which I have reviewed. A copy of Mr. Young's report is enclosed for your reference.

Based on Mr. Young's report, I agree that water from Alder Creek has not consistently been distributed as it should have been. However, I find no basis for concluding that Mr. Rosenkrance intentionally distributed water in a negligent manner, or intentionally failed to deliver water to others having valid rights, to benefit himself or his son. Rather, the evidence supports the conclusion that Mr. Rosenkrance followed historical practices, which he believed to be correct.

To ensure that water is correctly distributed from Alder Creek in the future, several actions will be implemented as outlined on page 6 of Mr. Young's report. In particular, a means for measuring water at the confluence of Alder Creek and the Darlington Ditch is to be installed, the Department will provide Mr. Rosenkrance with detailed instructions on diverting and distributing water from Alder Creek, and water will not be diverted from Alder Creek in excess of valid water rights.

I believe these measures will ensure appropriated delivery of water from Alder Creek. If you have further concerns in the future, please contact me again by telephone or in writing.

Sincerely,

Karl J. Dreher
Director

copy w/enclosure to: Mr. Doug Rosenkrance
Mr. Ron Carlson – Eastern Regional Office, IDWR
Mr. Ron Schnabel – Big Lost River Irrigation District
Ms. Harriet Hensley – Deputy Attorney General